

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2161 OF 2006**

Mr. Suresh Bhatkar	...Appellant
Versus	
Municipal Corpn. of Greater Bombay & Ors.	... Respondents

**AND
FIRST APPEAL NO.2162 OF 2006**

Mr. Kishor Waradkar	...Appellant
Versus	
Municipal Corpn. of Greater Bombay & Ors.	...Respondents

Shri S.K.Chaurasia i/by Ashok M. Sarogi for the
Appellant in both the Appeals.
Shri J.J.Xavier for B.M.C in both the Appeals.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 13, 2007.

P.C.:

. Not on board. Taken on board.

1. Undertaking filed by the Appellant is taken on record and marked "X" for identification. Heard Advocates appearing for the parties. In view of the undertaking, following order is passed:

(i) Appeal is dismissed as withdrawn.

(ii) Notwithstanding the dismissal of the Appeal, it will be open for the Appellant to apply for regularisation of the suit structure to the appropriate authority of the first Respondent. If such Application is made within a period of

eight weeks from today, the same shall be decided by the concerned authority of the first Respondent- Corporation within A period of eight weeks from the date of receipt of the Application.

- (iii) If such Application is made within a period of eight weeks from today, for a period of 24 weeks from today, parties will maintain status-quo as of today in respect of the suit structure. If Application for regularisation is not made within a period of eight weeks from today, the protection will not apply and the first Respondent will be free to proceed with the demolition of the suit structure.
- (iv) The order passed on Application for regularisation will be communicated to the Appellant within a period of one week from the date of passing order.
- (v) There will be no orders as to costs.
- (vi) Parties to act upon an authenticated copy of this order.

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Judge .